

TITLE FOUR - Subdivision Regulations

- Chap. 1241. General Provisions and Definitions.
- Chap. 1242. Administration and Enforcement.
- Chap. 1243. Subdivision Procedure for Submission of Plans, Approval Action, and Recordation of Plats.
- Chap. 1244. Site Plan Procedures.
- Chap. 1245. Development Standards.
- Chap. 1246. Expedited Land Development Review.
- Chap. 1250. Design. (Repealed)
- Chap. 1252. General Regulations. (Repealed)
- Chap. 1254. Special Regulations. (Repealed)

CHAPTER 1241

General Provisions and Definitions

EDITOR'S NOTE: The Facilities Standards Manual and the Land Subdivision and Development Ordinance Appendices, having been adopted as an ordinance effective December 1, 1984, are separately published and are not included in these Codified Ordinances. Copies may be obtained or inspected at the Department of Building and Development in the County Administration Building in Leesburg.

The Loudoun County Land Subdivision and Development Ordinance, previously a codification of Ordinance 97-06, passed June 18, 1997, Ordinance 97-09, passed September 3, 1997, and Ordinance 98-01, passed March 18, 1998, was repealed by implication and re-enacted in its entirety by Ordinance 00-04, passed April 29, 2000.

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CROSS REFERENCES

Application of regulations - see Code of Va. §15.2-2249

Disagreements with municipalities - see Code of Va.

§15.2-2250

Administration and enforcement of County regulations - see

Code of Va. §15.2-2255

Subdivision roll-back taxes - see B.R. & T. 848.055

Street signs in planned developments and subdivisions - see

S.U. & P.S. 1021.07

Interpretation - see P. & Z. 1242.04

Fees - see P. & Z. 1242.13

1241.01 AUTHORITY.

This Ordinance is authorized under Title 15.2, Chapter 22, Article 6 (Subdivision) and Article 7 (Zoning) of the Code of Virginia, 1950, as amended.
(Ord. 00-04. Passed 4-29-00.)

1241.02 TITLE.

This Ordinance shall hereafter be known and referred to as the "Land Subdivision and Development Ordinance of Loudoun County, Virginia."

It shall consist of Chapters 1241 through 1246 of the Codified Ordinances of Loudoun County and the Loudoun County Facilities Standards Manual.
(Ord. 00-04. Passed 4-29-00.)

1241.03 PURPOSE.

The purpose of this Ordinance is to establish subdivision and site plan standards and procedures for all unincorporated areas of Loudoun County, excluding subdivision and boundary line adjustment standards and procedures for unincorporated areas within: the Town of Hamilton Subdivision Control Area, as specified on the maps prepared by the County of Loudoun entitled "Purcellville and Hamilton Urban Growth Areas" and "Parcels Within One Mile of Hamilton" (hereby incorporated by reference), the Town of Purcellville Subdivision Control Area, as specified in the "Town of Purcellville/County of Loudoun Annexation Agreement", dated November 16, 1994, and in the Purcellville Urban Growth Area Management Plan (hereby incorporated by reference), and the Town of Middleburg Subdivision Control Area, as specified on the map prepared by the County of Loudoun entitled "Town of Middleburg One Mile Subdivision Control Limit" (hereby incorporated by reference). Specifically, it is the purpose of this Ordinance to insure that residential, industrial, and business centers are developed with adequate highway, utility, health, educational, and recreational facilities. This Ordinance is intended as an aid in the implementation of the Comprehensive Plan, which is designed to guide and facilitate the orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.

The provisions of this Ordinance and the Facilities Standards Manual shall be the minimum requirements for the submission, preparation, and recordation of all plans and plats. (Ord. 00-04. Passed 4-29-00.)

1241.04 GENERAL USAGE.

- (1) This article shall be read in conjunction with the Zoning Ordinance and the Facilities Standards Manual.
- (2) As used in this Ordinance, unless obvious construction of the wording indicates otherwise, words used in the present tense include the future tense; words in the singular number include the plural number; and words in the plural number include the singular number.
- (3) "Shall" is mandatory.
- (4) Words in the masculine gender include the feminine.
- (5) "May" is permissive.

- (6) "Adjacent" means "contiguous."
- (7) In the event a subsequent amendment to the State enabling language supersedes any provisions of this Ordinance, the requirements of the amendment shall be administered in place of the superseded Ordinance provisions until such time as this Ordinance is amended.
(Ord. 00-04. Passed 4-29-00.)

1241.05 DEFINITIONS.

- (1) "Alley" - A right-of-way which provides secondary and/or service access for vehicles to the sides or rear of abutting properties whose principal frontage is on another street.
- (2) "Application, active" - Any preliminary subdivision application, preliminary site plan application, preliminary/record plat application, preliminary/final site plan application, record plat application, final site plan application, construction plans and profiles application, boundary line adjustment application, or family subdivision application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.
- (3) "Application, inactive" - Any preliminary subdivision application, preliminary site plan application, preliminary/record plat application, preliminary/final site plan application, record plat application, final site plan application, construction plans and profiles application, boundary line adjustment application, or family subdivision application, officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months.
- (4) "Application, reactivated" - Any preliminary subdivision application, preliminary site plan application, preliminary/record plat application, preliminary/final site plan application, record plat application, final site plan application, construction plans and profiles application, boundary line adjustment application, or family subdivision application which was classified as inactive which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.
- (5) "Approving authority" - The public body or any committee thereof or the public official or employee designated by this Ordinance to exercise discretion in the approval or disapproval of preliminary plats of subdivisions, record plats of subdivisions, preliminary/record plats of subdivisions, preliminary site plans, final site plans, preliminary/final site plans, family subdivisions, subdivision waivers, boundary line adjustments, and subdivision exceptions, respectively.
- (6) "Architect" - A person registered to practice architecture and licensed by the Commonwealth of Virginia.

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- (7) "Board of Supervisors" or "Board" - The Board of Supervisors of Loudoun County, Virginia.
 - (8) "Building" - A structure having one or more stories and roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.
 - (9) "Comprehensive Plan" - The official document commonly referred to as the General Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such Plan, including maps, charts, policy statements and/or descriptive material, shall be adopted in accordance with Section 15.2-2226 of the Code of Virginia.
 - (10) "Condominium" - Any real property, and any incidents thereto or interests therein, in which individual dwelling units or apartments of a multi-unit structure or area are owned individually, in conjunction with an undivided interest in common elements appertaining to each individual unit and which undivided interest is vested in each owner of any individual unit or apartment. Any real property for which condominium instruments have been recorded pursuant to Section 55-79.49 of the Code of Virginia of 1950, as amended (The Virginia Condominium Act), and which is subject of the terms and conditions of that Act shall be deemed to be a "condominium" for purposes of this Ordinance.
 - (11) "Conversion condominium" - A condominium containing structures which, before the recording of a declaration, were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy these units with the consent of such purchasers.
 - (12) "Covenant" - A written agreement or promise under seal between two or more parties.
 - (13) "Department" - The Department of Building and Development, Loudoun County, Virginia.
 - (14) "Developer" - The legal or beneficial owner or owners of all the land proposed to be included in a given development, or the authorized agent thereof.
 - (15) "Development" - A tract of land which is the subject of the proposed subdivision or site plan developed, or to be developed, as a unit under single ownership or unified control which is to be used for any business, commercial, institutional, governmental, industrial, or residential purpose. The term "development" shall not be construed to include any property which will be devoted solely to farming.
 - (16) "Director" - The Director of the Department of Building and Development or his designated representative.

- (17) "Easement" - A grant of interest in real property by the owner to, or for use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.
- (18) "Facilities Standards Manual" - The Facilities Standards Manual of Loudoun County.
- (19) "Filing date" - The date that all required submissions have been made and the Director has signed the application. This date shall be deemed the date upon which a plan or other application has been officially submitted.
- (20) "Geotechnical test" - A field or laboratory test or evaluation assessing site geology, rocks, and/or hydrology for the purpose of determining the suitability of a site for a proposed development.
- (21) "Health Director" - The Director of the Department of Public Health for Loudoun County or his designated representative.
- (22) "Improvement" - Roads, streets, parking areas, loading areas, sidewalks and pedestrian ways, curbs, gutters, water mains, sewer mains, drainage facilities, stormwater management facilities, landscaping, recreational facilities, and other structures or facilities as may be required under this Ordinance, the Zoning Ordinance, the Facilities Standards Manual.
For purposes of requiring a performance guarantee from a subdivider or developer, "improvement" includes those improvements set forth in the Bonding Policy of the Facilities Standards Manual.
- (23) "Land use and use of land" shall include "building use" and "use of building."
- (24) "Lot" - A numbered and recorded portion of a tract, division, or subdivision intended for transfer of ownership or for development. "Lot" shall include the words "plot" and "parcel".
- (25) "Lot line" - A line dividing one lot from another or from a street or other public or private area.
- (26) "Officially submitted" - The status of a plan or plat which has been determined by the Director to have been filed in accordance with all submission requirements of this Ordinance, including the Facilities Standards Manual. The date on which the plat or plan is officially submitted shall establish the filing date for the plat or plan.
- (27) "Plan" - The proposal for a development or a subdivision, including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the Ordinance to which the proposed development or subdivision is subject.

- (a) Preliminary plat: A plat of a proposed land subdivision or development showing the character and proposed layout of the tract. Also referred to as "preliminary plat of subdivision" when pertaining to a subdivision development.
 - (b) Construction plan: A plan including specifications for improvements as required by this Ordinance, the Facilities Standards Manual, Erosion Control Ordinance of Loudoun County, and the Virginia Department of Transportation.
 - (c) Site plan: A site plan is a "plan of development," within the meaning of Virginia Code Section 15.2-2286, as further defined in the Zoning Ordinance.
 - (d) Site plan amendment: A minor change or revision to a previously approved site plan as defined in the Facilities Standards Manual.
 - (e) Record plat: A plat of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and the Zoning Ordinance and shall be in a form suitable for recording.
 - (f) Preliminary/record plat: A plat of subdivision that meets all requirements of both a preliminary plat and record plat and is submitted as a combined application.
- (28) "Planning Commission" or "Commission" - The Planning Commission of Loudoun County, Virginia.
- (29) "Professional engineer" - Any individual duly licensed by the Commonwealth of Virginia to practice engineering.
- (30) "Public improvement" - An improvement that has been or will be dedicated for public use or that is designated to provide adequate transportation, water, sewerage, flood protection or recreational facilities or to serve other public requirements in accordance with the Land Subdivision and Development Ordinance and the Zoning Ordinance.
- (31) "Public individual well" - As defined in Chapter 1040 of the Codified Ordinances of Loudoun County.
- (32) "Public sewerage system" - A sewerage system owned or operated by a public authority or municipality.
- (33) "Public water supply system" - As defined in Chapter 1040 of the Codified Ordinance of Loudoun County and including a central communal or municipal water-supply system serving more than two (2) lots and intended to be owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) for the purpose of furnishing potable water.
- (34) "Record drawing" - A detailed engineering drawing which locates required improvements as installed.

- (35) "Required Yard" - A yard, as defined in the Zoning Ordinance, located along the perimeter of a lot, the dimensions of which are set by the District regulations of the Zoning Ordinance.
- (36) "Resident Engineer" - The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.
- (37) "Sewage disposal system" - An individual sewage disposal system or sewage treatment system defined in Chapter 1066 of the Codified Ordinances which is designed not to result in a point source discharge.
- (38) "Sewerage system" - Pipe lines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.
- (39) "Street" - A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including, but not limited to, avenue, boulevard, drive, highway, lane, road, or any other thoroughfare maintained, or designed and built to be maintained, by the Virginia Department of Transportation.
 - (a) Road, Class I: Roads which were part of the State-maintained highway system at the time of the adoption of the 1972 Zoning Ordinance.
 - (b) Road, Class II: Roads meeting Virginia Department of Transportation specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.
 - (c) Road, cul-de-sac: A dead-end Class I, II, or III road having one end open to traffic and the other end terminating in a vehicular turnaround.
 - (d) Class III road: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.
- (40) "Subdivision" - The division of any parcel of land into two (2) or more new parcels, each separately transferable from the other, and shall include condominium development; provided however that a division of a tract in the A-25 District, in accordance with the provisions of the Zoning Ordinance, by a plat which bears the certificate of approval of the Zoning Administrator pursuant to Section 1241.06, shall not be considered a subdivision for the purposes of this Ordinance. Separation of interests in land for the purpose of lease, transfer of (partial) undivided interest, granting or extinguishment of easements, subordinating or otherwise affecting the priority of liens, plats of confirmation, and any other such transfers of interests in land not directed at the creation of new, separately transferable parcels, shall not be considered as an act of subdivision.

- (41) "Subdivider" - An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity owning any tract, lot, or parcel of land to be subdivided; or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating, representing, or executing the legal requirements of the subdivision.
- (42) "Subdivide" - The creation of a subdivision.
- (43) "Surveyor" - A certified land surveyor licensed by the Commonwealth of Virginia.
- (44) "Well" - As defined in Chapter 1040 of the Codified Ordinances of Loudoun County. (Ord. 00-04. Passed 4-29-00.)

1241.06 A-25 PARCEL DIVISIONS.

- (1) A request for a certificate of approval of a plat of division pursuant to Section 2-105 of the Zoning Ordinance shall contain the following:
 - (a) The proposed plat of division; and
 - (b) Unexecuted deed or deeds granting any required street dedication necessary to satisfy the requirements of the Zoning Ordinance.
- (2) The Zoning Administrator shall, within thirty (30) days after receipt of such plat and accompanying deeds, if applicable, review such plat and either execute the certificate of approval thereon or deny approval stating the specific reasons for such denial.
- (3) In conducting such review, the Zoning Administrator shall determine whether such plat meets all of the requirements of the Zoning Ordinance.
(Ord. 00-04. Passed 4-29-00.)

1241.07 CONDOMINIUM DEVELOPMENT.

The provisions of this Ordinance shall apply to any condominium development in the same manner as they would apply to a physically identical project or development under a different form of ownership.
(Ord. 00-04. Passed 4-29-00.)

1241.08 VACATION OF PLATS AND EASEMENTS.

Any recorded plat or portion thereof, or any interest in streets, alleys, easements for public rights of passage, or easements for drainage granted to the Board as a condition of the approval of a site plan, may be vacated according to the provisions of Virginia Code Sections 15.2-2270 through 15.2-2275. The fee for any such vacation shall be in accordance with a fee schedule adopted by the Board of Supervisors. The Director is hereby designated to act as the authorized agent on behalf of the Board to consent to such vacations and to sign recordable instruments in writing to indicate such consent. (Ord. 00-04. Passed 4-29-00.)

1241.09 CONFLICTING PROVISIONS.

(1) Public Provisions. This Ordinance is not intended to interfere with, abrogate, or annul any order of a court of competent jurisdiction, statute, regulation, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of County ordinances or regulations or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

(2) Private Provisions. This Ordinance is not intended to abrogate any legally enforceable easement, covenant, or any other private agreement or restriction, provided that, where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern.

Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of this Ordinance, and such private provisions are not inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to this Ordinance, and determinations shall be made thereunder.

(Ord. 00-04. Passed 4-29-00.)

1241.10 EFFECTIVE DATE.

This Ordinance shall be effective upon passage by the Board of Supervisors of Loudoun County.

(Ord. 00-04. Passed 4-29-00.)

1241.11 ORDINANCES REPEALED.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

(Ord. 00-04. Passed 4-29-00.)

1241.12 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Ord. 00-04. Passed 4-29-00.)